

Remarks:

Response to the Official Action mailed July 22, 2004 in connection with the above referenced application, Applicant respectfully requests reexamination, reconsideration and allowance of claims 1-5 and 9-12 in view of the following amendments and remarks. Applicant also requests entry of the concurrently filed drawing change request, and indication of the Examiner's acceptance of those changes.

With respect to the drawings, the Examiner has objected to the drawings on the grounds that reference characters bottom M, sealing panel 106 and sealing station 36 are mentioned in the specification but are not shown on the drawings. Applicant has amended figure 2 b to show the bottom M. Figure 2a shows sealing panel 106 and figure 3 show sealing station 36. Applicant respectfully request entry of the drawing change request for figure 2b and entry of the formal drawings in the present application file.

The Examiner has next rejected claims 1-15 under 35 U.S.C. §103(a) as unpatentable over Anderson, U.S. Patent No. 6,385,950 in view of Janson, U.S. Patent No. 5,324,250. The Examiner characterizes Anderson as disclosing a form, fill and seal packaging machine that includes a carton magazine, and a carton erection station for receiving the cartons and opening the cartons to a tubular form, a rotating turret that defines a turret plane and a plurality of carton mandrels mounted to the turret for rotation with the turret. The Examiner further states that Anderson shows a carton bottom heater located along a rotational path of the turret, a carton bottom sealer located along the rotational path of the turret and a carton bottom panel folding assembly located along the rotational path of the turret between the carton bottom heater and the carton bottom sealer. Further, the Examiner provides that carton bottom panel folding assembly includes a pair of opposing rotating members disposed on either side of the carton as the carton traverses passed the folding assembly, each of the rotating members configured to rotate in a plane that is transverse to the turret plane.

The Examiner concedes that Anderson does not expressly disclose a tucking assembly between the opposing rotating members that rotates in a plane transverse to the plane of the rotating members and parallel to the turret plane.

However, the Examiner cites Janson for disclosing an apparatus for folding bottom panels of a carton blank that includes a pair of opposing rotating members disposed on either side of the carton as the carton traverses passed the folding assembly, a tucking assembly disposed between the opposing rotating members that rotates in a plane transverse to the plane of the rotating members and parallel to the turret plane. The Examiner concludes that, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Anderson's carton bottom folder by incorporating the carton bottom folder as taught by Janson to provide an effective carton bottom folder device.

By this Amendment Applicant has cancelled claims 6-8 and 13-15 and has amended claims 1 and 9 to more clearly point out the invention. Specifically, the present invention is directed to a form, fill and seal packaging machine for forming a package, filling the package and sealing the package. A package is formed from a carton blank having a plurality of upstanding side walls, each contiguous with its adjacent side walls. The carton includes a bottom wall contiguous with the upstanding side walls that is formed from a plurality of bottom wall flaps including bottom side wall flaps, a bottom leading flap and a bottom trailing flap. The upstanding side walls define an open top, and the bottom wall flaps define an open bottom.

The packaging machine includes a carton magazine for storing a plurality of cartons in a flat folded form. A carton erection station receives and opens the cartons to a tubular form. The cartons are positioned on a rotating turret. The turret rotates to define a turret plane. Carton mandrels are mounted to the turret for rotation with the turret. The cartons (in the tubular form) are carried on the mandrels such that a bottom of the carton is positioned at a free end of the mandrel.

The machine includes a carton bottom heater located along a rotational path of the turret, a carton bottom sealer located along the rotational path of the turret and a carton bottom panel

folding assembly located along the rotational path of the turret, disposed between the carton bottom heater and the carton bottom sealer. The carton bottom panel folding assembly includes a pair of opposing rotating members disposed on either side of the carton as the carton traverses passed the folding assembly. Each of the rotating members is configured to rotate in a plane that is transverse to the turret plane.

The carton bottom panel folding assembly includes a tucking assembly disposed between the opposing rotating members. The tucking assembly rotates in a plane transverse to the plane of the rotating members and parallel to the turret plane. The tucking assembly includes a mount extending from the drive shaft and a blade disposed at an end of the mount. The blade has a roller mounted at an end thereof and includes a tab tucker extending from the mount between the shaft and the blade.

When a carton is positioned on the mandrel and passes the folding assembly, the opposing rotating members contact the bottom side wall flaps, urging the bottom side wall flaps inwardly. The tucking assembly contacts the bottom trailing flap, urging the bottom trailing flap inwardly, over the bottom side wall flaps. The tucking blade contacts a spot on the bottom trailing flap and maintains contact with the spot, substantially without sliding longitudinally from the spot, as the carton traverses passed the folding assembly. This additional element is disclosed and discussed in the specification on page 9 at paragraph 0051.

Applicant submits that the structure and function of the present invention is not disclosed in the Anderson and Janson as combined by the Examiner. More to the point, the Anderson and Janson patents, when combined, do not disclose a bottom folder in which the tucking blade contacts a spot on the bottom trailing flap and maintains contact with the spot, substantially without sliding from the spot, as the carton traverses passed the folding assembly. Rather, Applicant submits that a review of the Janson patent, and specifically a comparison of figures 7 and 8 shows that the bending member 72 must move longitudinally as it contacts the panel, in that the tuck folder 56 and roller 57 remain rigid. That is, in figure 7, the tuck folder and roller are spaced from the bending member whereas in figure 8, the bending member appears to be

touching the roller (or if not touching, at the least, very close to one another) As such, it is applicant's position that the bending member simply couldn't *not* move longitudinally along the flap as the carton passed the folder.

In conclusion Applicant submits that claims 1-5 and 9-12 are allowable over the art of record for the reasons given above and respectfully and earnestly solicits early indication of same. Application also requests entry of the concurrently filed drawing change request, and indication of the Examiner's acceptance of those changes.

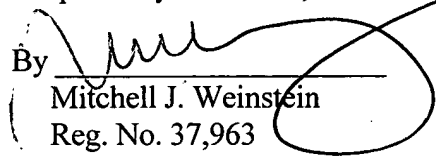
Applicant submits that there is no fee due in connection with the present AMENDMENT A. If, however, there is a fee due, Applicant authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-0920. Should any petitions be necessary, applicant requests that this paper constitute any such necessary petition.

If the Examiner finds that there are any outstanding issues that may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

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Respectfully submitted,

By



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